

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITY OF HUNTINGTON**

**Plaintiff,**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,  
Defendants.**

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**Civil Action No. 3:17-cv-01362**

**CABELL COUNTY COMMISSION,**

**Plaintiff,**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,  
Defendants.**

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***Consolidated Case:***

**Civil Action No. 3:17-cv-01665**

**PLAINTIFFS' CROSS-NOTICE OF REMOTE DEPOSITION  
AND NON-RETAINED EXPERT WITNESS DISCLOSURE OF  
DR. RAHUL GUPTA**

**TO: All Defendants Severed by MDL Order Dkt. 2990**

**PLEASE TAKE NOTICE** that pursuant to the applicable Federal Rules of Civil Procedure, the Cabell County Commission and the City of Huntington ("Plaintiffs"), by and through their undersigned counsel, will take the remote oral deposition of Rahul Gupta, M.D.

The deposition of Rahul Gupta, M.D., will take place remotely, upon oral examination and/or by videotape, before an official reporter authorized by law to take depositions, on

**August 26, 2021 at 9:00 a.m. (ET) via Remote Technology (Zoom).**

**PLEASE TAKE FURTHER NOTICE** that Plaintiffs reserve the right to conduct this deposition utilizing **video teleconferencing/teleconferencing** services. Plaintiff will provide, via Zoom, remote access for all parties wishing to participate via video conference or telephone. Also

note that the court reporter and videographer will be appearing via **video conferencing/teleconferencing** and will not be in the presence of the deponent. A stipulation will be made on the stenographic record by all parties that the witness is to be sworn in remotely by the reporter. You are invited to attend and participate in this deposition.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Federal Rule of Civil Procedure 26(a)(2)(C) Plaintiffs intend to utilize Dr. Gupta as both a fact and non-retained expert witness at the trial of the above captioned Civil Actions. While no Scheduling Order has been entered in these cases requiring the disclosure of expert witnesses, Plaintiffs disclose the following with respect to the expected expert testimony of Dr. Gupta: a) identity; b) the subject matter upon which Dr. Gupta is expected to testify; c) the substance of the facts and opinions to which Dr. Gupta is expected to testify; and d) a summary of the grounds for said testimony.

- a) **Rahul Gupta, M.D., M.P.H., M.B.A., F.A.C.P**  
**Senior Vice President and Chief Medical and Health Officer**  
**March of Dimes**  
**1550 Crystal Drive, Suite 1300**  
**Arlington, VA 22202**  
**Phone: (571) 257-2321**

Dr. Gupta's background, training and experience are set forth in his *curriculum vitae* attached as Exhibit 1.

Dr. Rahul Gupta served as the commissioner and state health officer for West Virginia from 2015-2018.<sup>1</sup> Under his tenure and at his direction, Dr Gupta ordered a number of reports,

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<sup>1</sup>Dr. Gupta is a practicing internist with 25 years of clinical experience. Dr. Gupta has authored more than 125 peer-reviewed scientific publications in medicine and public health and served as a principal investigator for numerous well-known clinical trials. Dr. Gupta is a national and global leader in transforming public health practice to advance health equity and create healthier communities. In 2017 Dr. Gupta was named West Virginian of the Year for his work towards battling the opioid epidemic by the Pulitzer prize-winning Charleston Gazette-Mail. Dr. Gupta has been recently nominated by President Biden to lead the Office of National Drug Policy.

including a historical overview report tracking West Virginia's opioid crisis from 2000 to 2015 and a 2016 overdose fatality analysis in West Virginia. Dr. Gupta will present evidence and provide testimony on the subject matter of opioid addiction, diversion, the opioid epidemic in the Cabell County and the City of Huntington, based on his personal knowledge and experience, and in conformance with the facts and opinions expressed and set forth in his depositions (attached as Exhibit 2 and 3), Plaintiffs' Supplemental Federal Rules of Civil Procedure 26(a)(2)(C) Disclosures (Dkt. 1146-1) (attached as Exhibit 4), and his trial testimony (*see* Trial Transcript, Dkt. 1320 and 1323, attached as Exhibits 5 and 6, respectively).

Plaintiffs reserve the right to supplement or add to Dr. Gupta's disclosure and/or his opinions.

Dated: August 4, 2021

Respectfully submitted,

**THE CITY OF HUNTINGTON**

/s/ Anne McGinness Kears

Anne McGinness Kears (WVSB No. 12547)

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**CABELL COUNTY COMMISSION**

/s/ Paul T. Farrell, Jr.

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/s/ Anthony J. Majestro

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### **CERTIFICATE OF SERVICE**

I certify that on August 4, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

s/ Anthony J. Majestro  
Anthony J. Majestro (WVSB 5165)